UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

GEORGE GUINDON, et al.	:	
	:	
vs.	:	C.A. No. 03-335 L
	:	
AMERICAN FOAM, et al.	:	

DEFENDANTS STATE OF RHODE ISLAND AND IRVING J. OWENS' NOTICE OF ELECTION AS TO MOTION TO DISMISS

DEFENDANTS STATE OF RHODE ISLAND AND IRVING J. OWENS hereby give Notice pursuant to Paragraph 5 of the Consent Order entered on February 2, 2006, that these defendants elect to invoke the application of the Court's previous ruling on their Motion to Dismiss as to all claims made by all plaintiffs[2] named in the Third Amended Complaint and all adoptions thereof.

Respectfully submitted,

State of Rhode Island and Irving J. Owens

By Their Attorney,

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[2] This election shall apply to all claims made by all plaintiffs as to Irving J. Owens. It shall apply to all claims made by all plaintiffs that are subject to the Court's ruling of November 17, 2005 for the State of Rhode Island.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 28th day of February 2006, a copy of the within was e-mailed to the certification list.

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